

EXHIBIT “B”

Part 2 of 7

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 the audit consortium was we evaluated
2 a number of facilities.

3 We were always working for
4 the same client, which was a group,
5 it was a group of industrial
6 companies, typically the Fortune
7 100-type member companies that
8 collectively decided that every year
9 a number of facilities, 20, 25
10 facilities, where they individually
11 sent their wastes, needed to be
12 evaluated for compliance with laws,
13 compliance with best management
14 practices.

15 And so, basically, we would
16 report back to that consortium and
17 give them an indication of how
18 effective these facilities were at
19 handling the waste, and get a
20 scorecard.

21 Q. What was the name of the
22 client?

23 A. That I don't recall. I
24 don't recall the name of the client.



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1 Q. But the work you did for
2 that client was limited to auditing
3 the disposal facility; is that
4 correct?

5 A. That is correct. And then
6 sometimes where the audit or the
7 disposal facility actually took their
8 wastes, because these facilities
9 sometimes had clearinghouses where
10 the wastes would come in and be
11 classified and managed and possibly
12 treated, and then the ultimate
13 disposal of that mass was somewhere
14 else.

15 So we would look at either
16 the collection treatment point, the
17 ultimate disposal point or both.

18 Q. So did that require that
19 you actually go to the actual source
20 of the waste and do any analysis as
21 to how it was generated, the amount,
22 the volume of waste that was
23 generated?

24 A. Usually for the consortium,



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1 usually, we did not do that. We were
2 looking primarily at the process from
3 the time it left the facility and was
4 ultimately processed off site and
5 disposed of off site for the
6 consortium audits.

7 Q. And when you say you gave
8 them a scorecard, it was just this
9 landfill is complying with
10 regulations, it's not complying, was
11 that was the score was telling them?

12 A. We didn't limit it to
13 strict compliance with regulation
14 issues. We were also looking at best
15 management practices. Whether there
16 was a law regulating that particular
17 practice or not, it didn't really
18 matter.

19 You could be technically in
20 compliance with all laws and still
21 not be doing the best job you could
22 be in terms of making certain that
23 the waste was being handled properly.

24 So a lot of what we did in



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1 terms of recommendations related to
2 best management practices at the
3 time.

4 Q. And now let's just talk for
5 a minute about the second category of
6 compliance audits where you did
7 compliance audits for direct
8 individual industrial clients; is
9 that correct?

10 A. That is correct.

11 Q. And what did that entail?

12 A. Basically going in -- what
13 we would do is start out with a paper
14 study of the facility or facilities,
15 oftentimes they were multiple
16 facilities for a client, and we would
17 basically go across the country and
18 look at four or five or six different
19 facilities.

20 And we would develop a
21 questionnaire that was custom
22 tailored for that industry and the
23 types of wastes and manufacturing
24 practices that they had, and we would



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1 conduct interviews with appropriate
2 management personnel at each of the
3 facilities, as well as if there was a
4 corporate environmental group we
5 would interview them as well.

6 We would do a physical tour
7 of the facilities and actually start
8 with incoming raw materials and work
9 our way through to waste materials
10 coming out the back end.

11 My role, of course, was
12 almost always these audits were done
13 as teams, interdisciplinary teams. I
14 was in there as a scientist, we would
15 have, more often than not, a
16 remediation engineer.

17 We would have, oftentimes,
18 a regulatory compliance specialist,
19 who was really well versed with the
20 appropriate regulations for each of
21 those facilities, and we worked as a
22 team and, at the end of the day- or
23 two-day audit for each facility, we
24 would develop our list of



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1 recommendations.

2 Depending on how the audit
3 was set up, we would oftentimes make
4 recommendations directly to plant
5 personnel for improvement of things
6 that we thought needed immediate
7 improvement and then we would report
8 back to the client, usually with a
9 written report of our findings,
10 although not always a written
11 report. Sometimes it was simply a
12 verbal presentation.

13 Q. And were these audits
14 limited to waste issues? Did you
15 audit the facility for every area of
16 environmental compliance, or can
17 you -- further narrowing the subject
18 of the audit?

19 A. The subject of the audit
20 could be one or two issues related to
21 waste. Oftentimes, it was much more
22 than that.

23 It evaluated at times OSHA
24 health and safety compliance, where



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1 we would bring an OSHA expert in on
2 our team, if that was what they were
3 looking for.

4 We would look at impact,
5 environmental potential for practices
6 and their impact on the environment.

7 We would look at compliance
8 with pretreatment disposal to a
9 treatment plant. For example, if
10 they were sending processed waste to
11 a city sewer plant, are they in
12 compliance with any pretreatment
13 requirements that might exist,
14 because those were coming on line in
15 the early '90s.

16 Just a variety of things of
17 that sort. So the scope of these
18 audits were really dependent on what
19 the client wanted us to look for.

20 Q. Was there anything that you
21 were not qualified to do as far as
22 environmental compliance auditing?
23 How would you know to say no, this is
24 something we could do or we are not



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1 qualified to do this?

2 A. Well, if you're talking
3 about me personally or are you
4 talking about the firm?

5 Q. You personally.

6 A. There are many things that
7 I wasn't qualified to do on my own,
8 and I wouldn't do them. I would work
9 with -- for example, if we had an
10 OSHA audit requirement, I would sit
11 in on the discussions, but I would
12 not -- and I might offer an
13 observation here or there, but it was
14 the CIH or the environmental
15 professional in that field that led
16 that audit for that particular
17 component and made the
18 recommendations.

19 Q. So what were the things,
20 then, that you were qualified to do,
21 as far as the audit is concerned?

22 A. Environmental compliance,
23 looking at compliance with local
24 environmental regulations, RCRA,



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1 CERCLA, state cleanup requirements,
2 certainly anything to do with
3 environmental impacts of plant
4 practices, soil investigations -- I'm
5 sorry, soil contamination,
6 groundwater contamination.

7 I got involved in
8 industrial pretreatment requirements
9 for, you know, compliance with sewage
10 requirements, whatever the treatment
11 works would require in terms of
12 compliance with making sure that we
13 are not sending really nasty stuff
14 out the pipe, that sort of thing.

15 Q. So when you say just the
16 general overall, you said, first
17 thing, environmental compliance. I
18 just want to see if we can narrow
19 that down more.

20 A. Okay.

21 Q. Are you talking about just
22 the things you said afterwards, RCRA,
23 CERCLA, cleanup requirement,
24 environmental impact on groundwater,



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1 industrial pretreatment, is that the
2 limit of the environmental compliance
3 that you are speaking of?

4 A. I can't, at this point in
5 time, give you a complete universe of
6 things that at that time I was
7 considered by ERM to be qualified to
8 do.

9 And since we worked with a
10 multidisciplinary team, you know, my
11 input was sought on engineering --
12 remediation engineering issues or
13 even plant engineering issues.

14 I'm not an engineer, I'm
15 not a PE, and I never presented
16 myself or would ever present myself
17 as such. However, as a scientist, I
18 look at things a little differently
19 because of my training than perhaps
20 an engineer does, and the way we set
21 these things up is we deliberately
22 brought scientists and engineers and
23 other environmental professionals,
24 occasionally CIHs, together so they



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1 are all working together and
2 providing different perspectives on
3 the issues.

4 Ultimately, for, say, a
5 groundwater contamination problem I
6 would be the lead person to write
7 that recommendation or that part of
8 the audit report. For an issue that
9 an engineer would be best to opine,
10 that person took the lead.

11 MS. FLAX: Could you read
12 back two questions ago?

13 (The court reporter read
14 back the following:

15 "Q. So what were the
16 things, then, that you were qualified
17 to do as far as the audit is
18 concerned?")

19 BY MS. TROJECKI:

20 Q. You briefly described how
21 your role as a scientist was
22 different than the regulatory
23 compliance expert.

24 A. The regulatory compliance



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1 expert in consulting generally is a
2 multidisciplinary type background.

3 You can be an engineer, you
4 can be a scientist, you can be, from
5 a variety of different disciplines
6 within science and engineering and,
7 because of the work that you are
8 doing and the on-the-job training as
9 well as, you know, some of the
10 specialty coursework training you
11 might take, that can make you a
12 regulatory compliance specialist.

13 For most of us working in
14 the field for many, many years, you
15 become a regulatory compliance
16 specialist because you are dealing
17 with the regulations and advising
18 clients on regulatory compliance
19 issues day in and day out.

20 Q. Did your work as a
21 scientist on these audits require you
22 to go back into the plant and
23 evaluate what the manufacturing
24 processes were and the waste



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1 generated as a result of that?

2 A. Yes.

3 Q. And how so?

4 A. It was the nature of the
5 work we were doing, quite frankly, as
6 we have just talked about for the
7 last 15 minutes. I think I have
8 described in a number of ways exactly
9 that aspect. That's what we were
10 looking at.

11 We were looking at
12 manufacturing processes, raw material
13 coming in, how the material was
14 handled and how waste products, waste
15 byproducts, were handled, stored,
16 disposed of. So it brings you right
17 into the heart of the plant and how
18 you -- how you are dealing with
19 waste.

20 We even had people that had
21 expertise -- particularly starting in
22 1990, '91 with waste minimization
23 and, you know, providing
24 recommendations, and this wasn't my



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1 particular area of expertise, but I
2 certainly worked with these people,
3 that would look at a process and say
4 there are ways to minimize the amount
5 of waste or the characterization, the
6 types of waste that you are making.

7 Q. How often would you say
8 that you performed an audit for these
9 private industrial companies?

10 A. When I said that I
11 performed audits roughly once a
12 month, those were either consortium
13 audits or private company audits.

14 Q. And can you give me a
15 better idea as to what percentage was
16 private versus the consortium?

17 A. Honestly, no. I would have
18 to say that the consortium probably a
19 little more than the private, but
20 they are close to 50-50.

21 Q. And can you give me an
22 estimate as to how many audits you
23 performed for the private industrial
24 facilities?



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1 A. For the private industrial
2 facilities, by individual facility or
3 by particular project?

4 Q. By particular project.

5 Like, could you say, I probably
6 performed 50 audits, you know, while
7 I was with ERM, some sort of
8 estimate?

9 A. No, it wasn't that many. I
10 would say private audits a dozen or
11 so, and then the consortium audits a
12 dozen to 15.

13 Q. And do you recall what
14 types of clients you -- what types of
15 facilities the industrial facilities
16 were, the 12 private ones that you
17 did?

18 A. One was a
19 telecommunications company. I
20 believe it was one of the non-Bell,
21 early telephone companies. I think
22 it was GTE.

23 Another one was a plating
24 operation, where they actually did



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1 metal plating, chrome plating. I did
2 several of those. In fact, I
3 actually did a little bit of work for
4 the trade association that one of the
5 platers was affiliated with.

6 There were audits for
7 chemical companies. Off the top of
8 my head, I can't recall who. But
9 that gives you a good cross section
10 of what we did.

11 Q. And your training for
12 conducting the audits, that was all
13 on-the-job training?

14 A. There may have been and, in
15 fact, I believe there was at least
16 one outside course in environmental
17 auditing that I took. I can't recall
18 where and I can't recall when, but
19 Brian Bennett, my former boss was a
20 strong proponent of formal training
21 as well as on-the-job training, but
22 most of my training was on the job.

23 Q. And that one course, was
24 that a one-week course?



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1 A. I don't recall. It could
2 have been a week, it could have been
3 a day. At this point in time I just
4 don't remember, because I can't
5 recall where we took it.

6 Q. But it certainly wasn't
7 like a semester course or a
8 graduate --

9 A. It wasn't a college course.

10 Q. And after you left ERM,
11 where to next?

12 A. BBL. Blasland, Bouck &
13 Lee, we will call BBL so the
14 stenographer doesn't have to
15 pronounce or write that long name.

16 Q. And you started with them
17 in 1992?

18 A. '92, that's correct.

19 Q. And did you do the same
20 type of work that you were doing at
21 ERM or something different?

22 A. Pretty much the same type
23 of work. The big difference or one
24 of the differences, I would say, is



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1 that we didn't have at BBL a
2 management consulting auditing
3 practice per se, at least in the
4 business unit that I was working in.

5 So we did that type of
6 work, but it was done more in the
7 traditional site investigation, site
8 remediation side of the shop.

9 Q. So at BBL you did the ECRA
10 investigations, Superfund
11 investigations, risk assessments,
12 feasibility studies, correct?

13 A. That's correct. I was
14 responsible for the hydrogeology and
15 remediation engineering practices for
16 the New Jersey office of BBL.

17 Q. They are two separate
18 practices?

19 A. At that time in that
20 business they were, yes. They were
21 two different groups in the same
22 office.

23 Q. Were you actually
24 designing, like, remedial



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1 investigations and remedial
2 alternatives or were you doing more
3 like a management supervising role
4 while you were at BBL?

5 MS. WRIGHT: Objection as
6 to form.

7 THE WITNESS: The work
8 involved both management as well as
9 actual scientific consulting, so I
10 was doing both.

11 BY MS. TROJECKI:

12 Q. And were the clients at BBL
13 the same type of clients as you
14 serviced at ERM?

15 A. Yes. They weren't the same
16 clients, but they were the same type
17 of clients.

18 Q. And did your position
19 change at all while you were with
20 BBL?

21 A. No. I started as a vice
22 president and ended my career,
23 retired with them, as a vice
24 president.



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1 Q. Did you conduct audits
2 while you were with BBL?

3 A. I did.

4 Q. The same type of audits
5 that we spoke about with ERM?

6 A. No, the audits at -- I did
7 a few of the regulatory performance
8 audits similar in scope to what we
9 did with ERM, but I was on, I guess
10 what we would call a super
11 due-diligence team of senior people
12 that would come together and, I
13 believe, we came together three times
14 for merger-acquisition-type
15 transactions, where Mega Company A is
16 buying Mega Company B, and we would
17 be brought in to evaluate 130
18 facilities in two and a half months.

19 Q. And what were you
20 evaluating? Was that limited to due
21 diligence?

22 A. It was usually a pretty
23 robust environmental overview,
24 regulatory compliance, third-party



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1 waste disposal, you know, where were
2 they sending their waste?

3 Was there any auditing that
4 had been done? What do we know about
5 these third-party facilities? What
6 do we know about soil, groundwater,
7 surface water impacts? What do we
8 know about potential natural resource
9 damage claims, a whole host of
10 issues?

11 Q. And how many of those do
12 you think that you performed?

13 A. I was involved in three of
14 those during my tenure at BBL.

15 Q. And did that provide any
16 training or experience related to
17 your expert report in this case?

18 A. I think so. I think it
19 provided additional incremental
20 experience on plant and industrial
21 practices.

22 Q. What types of facilities
23 were they? You said there were three
24 of them. Do you remember what kinds



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1 of industrial facilities they were?

2 A. They were manufacturing
3 facilities for a variety of different
4 products. A lot of traditional heavy
5 manufacturing. I don't want to --
6 actually, I'm still bound to
7 confidentiality on at least the most
8 recent one that I have done, so.

9 Q. The first facility -- all
10 three facilities were manufacturing
11 facilities; is that correct?

12 A. These were not facilities.
13 These were projects, and each of
14 these projects involved a number of
15 facilities that we would look at,
16 swarm basically, with
17 multidisciplinary teams.

18 Q. So is it okay to call them
19 companies, then, there were three
20 companies that you worked for?

21 A. That is correct, yes.

22 Q. And the first company, what
23 type of company was that, just
24 generally?



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1 A. A Fortune 50 diversified
2 manufacturing company.

3 Q. When you say diversified,
4 what did they manufacture?

5 A. They manufactured aircraft
6 engines and water treatment plant
7 components and a variety of things
8 that, again, I would probably just
9 want to keep very general, because
10 these things were all done under a
11 significant requirement for
12 confidentiality.

13 Q. What type of company was
14 the second company?

15 A. It was a chemical company,
16 as I recall, and we were looking at a
17 number of locations that this
18 chemical company would be acquiring,
19 so they were primarily -- and I don't
20 recall exactly what the chemical
21 processes were, but they were
22 basically chemical plants that we
23 were looking at.

24 Q. And how about the third



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1 company?

2 A. It was the same as the
3 first.

4 Q. Was it the same client?

5 A. The same client, yes.

6 Q. So just to be clear, your
7 client was the potential buyer in all
8 instances?

9 A. I would really rather not
10 say.

11 Q. I guess what I'm trying to
12 get at, then, is the type of company
13 that you actually were doing the work
14 for and you actually got experience
15 learning about the plant processes,
16 was that the diversified manufacturer
17 that you are speaking of?

18 A. Yes. Uh-huh.

19 Q. And why did you leave BBL?

20 A. I decided that I wanted to
21 retire. I had just turned 50 years
22 old and I wanted to do more -- I
23 wanted more balance in my life
24 between professional work and the



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1 nonprofit work that I have always
2 been involved in, I wanted to do more
3 of that.

4 And I had a clause in my
5 contract, as a long-standing partner
6 at BBL, that allowed me to form my
7 own company and not have it seen as
8 being in competition with BBL, with
9 certain guidelines, and that clause
10 was probably going to go away in the
11 next year or so, so I exercised the
12 option to take it.

13 Q. Do you want to take a
14 break?

15 A. Sure. Yes.

16 MS. TROJECKI: Let's take a
17 quick break.

18 (Recess taken)

19 BY MS. TROJECKI:

20 Q. So after you left BBL, you
21 started your own company; is that
22 correct?

23 A. That's correct.

24 Q. And what kind of company is



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1 Senior Environmental Consulting?

2 A. It is essentially a sole
3 proprietor company. I continue to do
4 consulting work to some of BBL's
5 clients under contract to now Arcadis
6 BBL, because just about the time that
7 I left they executed an agreement for
8 BBL to be purchased by Arcadis.

9 And I have a number of my
10 own clients now that I am doing
11 environmental consulting work, too.

12 Q. What type of consulting
13 work?

14 A. Primarily higher-end site
15 investigations, site redevelopment,
16 ground fields redevelopment type
17 work, continuing to do some work in
18 Superfund site investigation and
19 cleanup, water supply consulting,
20 litigation support where I'm
21 occasionally a technical expert in
22 disputes and helping people resolve
23 disputes. That pretty much covers
24 it.



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1 Q. Who is the owner of SEC?

2 A. I am.

3 Q. Do you have any employees?

4 A. I do not.

5 Q. If you can just turn to
6 Page 1-2 of your report, and it
7 states there that you managed or
8 directed the investigation of over 50
9 contaminated sites as an
10 environmental consultant. Do you see
11 that?

12 A. Yes.

13 Q. Does this pertain to the
14 collective number of sites while you
15 were at ERM, BBL, and SEC?

16 A. As well as the work that I
17 did while I was essentially the
18 hazardous waste specialist at the
19 USGS working with EPA Region 2.

20 Q. Were the six sites that are
21 listed on Page 1-2, the six Superfund
22 sites, the only Superfund sites that
23 you worked on?

24 A. No.



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1 Q. Can you estimate the number
2 of Superfund sites that you worked
3 on?

4 A. These were projects that I
5 had a significant management role in
6 and scientific consulting role.
7 There were other Superfund sites
8 where I was brought in as a
9 consultant, but I was, you know, one
10 of many that were providing support
11 services, so I didn't list those.

12 Q. The first paragraph under
13 qualifications states that you are a
14 hydrogeologist. What training did
15 you receive that enables you to call
16 yourself a hydrogeologist?

17 A. Part of the training that
18 we did not discuss was the USGS
19 national training center coursework
20 that I took.

21 The USGS has their own -- I
22 won't call it a university, but it is
23 certainly a national training center
24 for training people in the field of



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1 hydrology. Since very few people
2 graduate with an undergraduate degree
3 in hydrology, you really need to take
4 people from other disciplines and
5 turn them into hydrologists.

6 So I've had a number of
7 courses at that center in Lakewood,
8 Colorado, and, occasionally, in other
9 locations throughout the country.

10 I took a year of graduate
11 hydrology while I was at Drexel. I
12 had other academic coursework,
13 terrestrial ecology, aquatic ecology,
14 environmental science courses, as
15 well as the on-the-job training that
16 I received at the USGS, as well as at
17 ERM and BBL.

18 Q. So there's no sort of
19 certification that you need to
20 complete to be able to say, you know,
21 I'm a hydrogeologist now?

22 A. If you are practicing in
23 certain states that have a
24 requirement for a professional



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1 geologist certification, then in
2 order to be able to certify a report
3 you need to have a PG.

4 In New Jersey there is no
5 requirement, where most of my work is
6 done, there is no certification for
7 geologists, so I decided early on in
8 my consulting career when I needed a
9 certification I would go for a
10 national one, which I did. The CGWPG
11 has served that role for me.

12 Q. Now, in the states that do
13 have the requirement that you would
14 be a certified geologist, would you
15 qualify for that?

16 A. I would qualify, but I
17 haven't made application for it,
18 because, frankly, I haven't needed
19 it.

20 Q. Appendix A of your report
21 lists various representative projects
22 that you worked on. I'm going to
23 call your attention to the section
24 titled Expert Services.



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1 A. Okay, I'm there.

2 Q. Were the projects that are
3 listed under Expert Services all
4 performed while you were with SEC,
5 your own company, or throughout your
6 career?

7 A. Throughout my career. In
8 fact, there's a place on my website
9 which is the source for all this
10 material there, and I don't know
11 exactly where it says that but -- in
12 fact, I think it says it two pages
13 back. Let's see.

14 "Much of this experience
15 represents work performed by
16 Mr. Hochreiter during his 13-year
17 tenure at BBL. Mr. Hochreiter
18 continues to consult to BBL as a
19 senior scientist on several of these
20 projects."

21 So I would say the majority
22 of this experience summary is derived
23 from my 13 or so years at BBL.

24 Q. And when you say Expert



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1 Services, what do you mean by that?

2 A. What I mean by that are
3 projects where my expertise as an
4 environmental scientist, as a
5 hydrologist, as a hydrogeologist, are
6 brought into situations where we are
7 either doing high-end auditing, there
8 is actually litigation where parties
9 are in dispute, and they need help
10 resolving that dispute.

11 In most of those cases, I
12 have been involved in a role where I
13 have helped the parties settle the
14 dispute before it gets to trial.

15 I have been involved in two
16 mediations as a technical resource.
17 I have been involved in a couple of
18 arbitrations where I have provided
19 technical expertise.

20 So I broadly defined expert
21 services as not just situations where
22 I wrote an expert report. Most of
23 these, in fact, were situations where
24 I was providing high-end consulting



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1 services to help people either in a
2 compliance environment or in a
3 potential litigation environment.

4 Q. Now, are all of the times
5 that you actually drafted an expert
6 report in litigation referenced under
7 Expert Services in your report?

8 A . I b e l i e v e s o . I b e l i e v e
9 s o .

10 Q. I think there are 12
11 descriptions. Can you point out
12 which ones you actually prepared an
13 expert report, as far as the
14 litigation?

15 A. Well, I would have to go
16 through each one and see. On the
17 first page of Expert Services at the
18 bottom you will see -- or I actually
19 mentioned an expert report in the
20 Ernststrom & Dreste matter. The entry
21 above that, the Flaster Greenberg
22 entry, that was an expert report as
23 well on a water supply litigation.

24 | On the second page of



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1 Expert Services for the Confidential
2 Steel Company, and that produced an
3 expert report. The project below
4 that, the chlorinated solvent in
5 Landing, New Jersey, that produced an
6 expert report. And the next one,
7 which was the Bateman, Coley, et al.,
8 confidential insurance company
9 litigation, that produced an expert
10 report.

11 I tried to be careful if I
12 produced an expert report to actually
13 say so.

14 Q. Okay. That's why when I
15 was reading it, some of them I
16 noticed you did and some didn't.

17 A. No, because in the other
18 examples I provided expert services,
19 but we either resolved the dispute
20 before we had to get to expert report
21 or we went to mediation or something
22 else.

23 Q. Are there any others where
24 you didn't produce an expert report



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1 A. The Blank, Rome case in
2 southeastern Pennsylvania, we did not
3 produce an expert report for that.

4 Q. Where were you --

5 A. We were actually doing the
6 environmental compliance on that.

7 Q. And you were with what
8 company?

9 A. That one was ERM. Although
10 I believe that project also carried
11 over into my early days at BBL.

12 Q. Okay, how about the next
13 one?

14 A. That did not produce, the
15 PCBs in central New Jersey, that did
16 not produce a report.

17 Q. And which company were you
18 at when you worked on that project?

19 A. That was BBL.

20 Q. And was that a litigation?

21 A. It was.

22 Q. So what was your role in
23 that case?

24 A. Advising my client on the



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1 issues that, if we were actually to
2 go to trial, providing technical
3 opinions on essentially the degree of
4 cleanup and the cost of cleanup at
5 this site.

6 Q. How about the one above
7 that, Schwartz, Simon & Eddelstein?

8 A. Neither of those cases,
9 which are still active, have yet
10 provided or required an expert
11 report.

12 Q. So when you say those, you
13 are talking about the first two on
14 the last page?

15 A. For a confidential
16 insurance company that is represented
17 by the law firm of Schwartz, Simon &
18 Eddelstein providing expert services
19 in defense of two separate cost
20 recovery actions.

21 Q. And you are still working
22 on that now for SEC; is that correct?

23 A. That is correct, yes.

24 Q. And what is the nature of



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1 the expert services in that case?

2 A. We are advising the
3 insurance company and qualifying
4 remediation expenses associated with
5 the cleanup of petroleum hydrocarbons
6 that released from residential home
7 heating oil tanks.

8 Q. So you were providing an
9 estimate of the remediation costs, is
10 that --

11 A. Among other things, yes.

12 Q. How about the one above
13 that, the Cozen and O'Connor?

14 A. That was one that settled
15 very, very quickly. We did not
16 provide an expert report on that.

17 Q. And which company were you
18 working with for that project?

19 A. We were working for an
20 insurance company who was supporting
21 a railroad, as I recall. And these
22 were sites in Colorado, Wyoming, the
23 western U.S.

24 Q. What was the nature of the



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1 work that you did for the insurance
2 company?

3 A. Basically evaluating -- as
4 I recall, the case related to the
5 disposal of -- or not the disposal,
6 that's the inappropriate word. The
7 use of certain types of material as
8 railroad ballasts and the
9 environmental implications associated
10 with using that material along rail
11 right-of-ways throughout several
12 states.

13 Q. So what did you
14 particularly do with respect to that
15 project?

16 A. We advised counsel on some
17 of the environmental geochemical
18 remediation option-type issues
19 associated with -- you know,
20 basically starting to understand what
21 the potential environmental science
22 issues are associated with the use of
23 that material as a railroad ballast.

24 Q. And which company were you



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1 working for when you worked on this
2 project?

3 A. It was an insurance
4 company. Actually, I think it was a
5 group of insurance companies.

6 Q. No, I mean were you with
7 ERM?

8 A. Oh, I'm sorry. I'm sorry.
9 I was with BBL.

10 Q. And the one above that,
11 where you prepared an expert report
12 on contaminant transport, were you
13 working with ERM, BBL, or SEC?

14 A. BBL.

15 Q. What was the nature of your
16 work in that case?

17 A. We were working for an
18 insurance company that was
19 representing a transporter and
20 disposer of material at this site, as
21 my recollection serves, and we
22 evaluated issues related to how far
23 contaminants traveled on the
24 Superfund site in the subsurface,



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1 primarily groundwater. And I believe
2 an out-of-court settlement was
3 reached in that case.

4 Q. And the one above that,
5 were you with ERM, BBL, or SEC?

6 A. I was with both ERM and BBL
7 on that case. And I believe the
8 litigation actually was during BBL's
9 tenure.

10 Q. How about the one above
11 that, confidential steel company?

12 A. That was ERM. Hold on a
13 minute. Was that -- let me refresh.
14 That was with BBL, I was right at the
15 beginning of my tenure at BBL.

16 Q. And the one that starts
17 before Environmental Construction
18 Company that is represented by the
19 law firm of Ernstrom & Dreste?

20 A. Yes. That's SEC.

21 Q. And the Flaster Greenberg
22 one you said you provided expert
23 services with respect to water supply
24 issues; is that correct?



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1 A. Yes, water supply
2 litigation. We actually sued the
3 State of New Jersey and the DEP
4 commission.

5 Q. Was that while you were
6 with SEC?

7 A. BBL and, currently, at SEC.

8 Q. And the one above that for
9 a confidential insurance company
10 client, you worked with the law firm
11 of Cozen and O'Connor?

12 A. Okay. That was at BBL.
13 And, in that instance, I actually
14 brought another professional in to
15 actually do the testifying in my
16 company. So I provided the behind-
17 the-scenes, I was sort of the behind-
18 the-scenes expert but not the
19 testifying expert.

20 Q. So when you say selected
21 the testifying expert, do you mean
22 the company was selecting the
23 testifying expert?

24 A. The individual.



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1 Q. Oh, not you?

2 A. It was not me. I was the
3 non-testifying expert in that case.

4 Q. And the first one, "Served
5 as a technical expert on a peer
6 review panel of the U.S. Army
7 Environmental Center."

8 A. That was at BBL.

9 Q. And was that litigation?

10 A. No, that was not
11 litigation.

12 Q. So what was the nature of
13 your work --

14 A. That was high-end. We were
15 basically -- at the request of the
16 U.S. Army Environmental Center, they
17 were trying to get their arms around
18 remediation practices at military
19 facilities, Army facilities
20 throughout the country.

21 So they would bring teams
22 of very senior experts in, usually
23 four or five per facility, and we
24 would do a thorough remediation



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1 compliance audit to understand how
2 they are selecting remedial
3 technologies and making decisions
4 about how much money they will spend.

5 Q. How many times were you
6 deposed?

7 A. I was deposed three times,
8 I believe.

9 Q. Is this the third or the
10 fourth?

11 A. This would be the fourth,
12 if memory serves.

13 Q. And the three times that
14 you were deposed, were they related
15 to -- can you describe to me each
16 one?

17 A. The first one was the
18 Morgan Lewis case that's listed in
19 here, the steel company in
20 Pennsylvania. The second one was the
21 Landing, New Jersey case, and the
22 third one was the NPL site in the New
23 Jersey Pinelands region. And I'm
24 fairly certain I'm accurate in that.



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1 Q. Did you ever testify as an
2 expert in court?

3 A. No.

4 Q. Were you ever deposed as an
5 expert in a litigation?

6 A. I think the previous yes
7 answer related to those three
8 instances that were involved in
9 litigation.

10 Q. Did you give deposition
11 testimony as an expert within the
12 last four years?

13 A. I'm trying to think if the
14 Pinelands case -- I don't believe it
15 was within the last four years. I
16 think it was five or six years ago.

17 Q. And I call your attention
18 to the section of Appendix A that
19 starts Remediation and Risk
20 Management.

21 Are any of the projects
22 that are listed under Remediation and
23 Risk Management duplicative of
24 projects that may be listed somewhere



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1 else on your website?

2 A. It was not my intent to
3 make them duplicative. It's possible
4 there might be one or two, but it
5 wasn't my intent to list them twice.

6 Q. So, generally, each project
7 that's listed on your website is a
8 separate project, it doesn't fall
9 under, you know, multiple, two
10 headings; is that correct?

11 A. We will probably go through
12 them and we will find out.

13 Q. But, generally speaking,
14 when you -- you said you designed it
15 to not be duplicative?

16 A. That was my intent, yes.
17 And I think I achieved that
18 objective, but I'm sure we will find
19 out.

20 Q. And is the same true for
21 the projects listed under Remediation
22 and Risk Management, that these were
23 performed throughout your tenure at
24 ERM, BBL, and SEC?



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1 A. I believe so. I don't
2 think I put any of the USGS
3 experience in here.

4 Q. What fields do you consider
5 yourself to be an expert in?

6 A. Hydrology, site
7 remediation.

8 Q. Any others?

9 A. I would say those are the
10 two primary areas that I believe my
11 expertise and experience qualifies me
12 to say I'm an expert in. And site
13 remediation has a, in my view, a
14 broad range of things associated with
15 it.

16 Q. Have you ever prepared an
17 expert report that's similar to the
18 one you prepared in this case?

19 A. No.

20 Q. Have you ever worked as an
21 expert for any of the defendants in
22 this case?

23 A. No.

24 Q. Have you ever worked with



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